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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,740	04/16/2004	Jason B. Case	5150-75401	1357
7590	05/25/2010		EXAMINER	
Jeffrey C. Hood Meyertons, Hood, Kivlin, Kowert & Goetzel PC P.O. Box 398 Austin, TX 78767			DAS, CHAMELI	
			ART UNIT	PAPER NUMBER
			2192	
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			05/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/826,740	<b>Applicant(s)</b> CASE ET AL.
	<b>Examiner</b> CHAMELI C. DAS	<b>Art Unit</b> 2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 February 2010.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-13,15 and 17-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-13, 15, 17-28 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/06)  
     Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

1. This action is in response to the amendment and remarks filed on 2/23/10.
2. Claims 1, 3-13, 15, 17-28 have been amended.
3. Claims 2, 14, and 16 have been canceled.
4. Claims 1, 3-13, 15, 17-28 are rejected.

***Response to Arguments***

5. Applicant's arguments filed on 2/23/10 have been fully considered but they are not persuasive.

In the remark, the applicant has argued in substance:

- (1) *Kudukoli (US2001/0020291) fails to teach receive a request for information regarding an interface of a graphical program.***

**Response (1):** Kudukoli discloses the above limitation in Abstract, [0036] and [0111], where "GPG program may be operable to receive user input specifying desired functionality, indicated as user interface wizard information" clearly shows "receive a request for information regarding an interface of a graphical program". The information may be any type, the information may be from another program or from other sources, such as a file or database, not necessarily only from the user is shown in [0116] the graphical program and code is generated programmatically [0111].

(2) *Kudukoli (US2001/0020291) fails to teach the information regarding the interface of the graphical program includes information for invoking execution of the graphical program, as recited in the independent claim 1.*

**Response (2):** Kudukoli discloses the above limitation in ([0025], "The information may be self-describing, and/or the GPG program may include knowledge of how to interpret the information in order to generate the appropriate graphical program") and ([0032], [0033], and [0104], where the received information used to generate and enable a user to execute the automatically generated program clearly shows the information includes invoking the execution of the graphical program as claimed. The information regarding the interface is also shown in [0019].

(3) *Kudukoli (US 2001/0020291) fails to teach return the information regarding the interface of the graphical program and the received information is not programmatically determine, but rather is provided by the user.*

**Response(3):** Kudukoli discloses the above limitation in [0033] and [0124], where the received program information used in generating the graphical program and then returns to an application from which the program information originates. The programs are automatically generated and executed inherently including received information programmatically determine. The user cannot

generate or execute any automatic program. The program information is programmatically determined is shown in the Abstract lines 1-5, [0017], [0021].

**(4) *Kudukoli (US2001/0020291) fails to teach the limitations recited in the claim 15.***

**Response (4):** *Kudukoli* discloses all the limitations recited in the claim 15.

As per claim 15, *Kudukoli* discloses:

- programmatically request information [0018], "in response to receiving program information" inherently including request information, regarding an interface of a graphical program [0111] and the information may be any type, the information may be from another program or from other sources, such as a file or database, is shown in Abstract, where the GPG program receives the program information and the program information is programmatically determine [0116].

- receive information regarding the interface of the graphical program in response to the request (Abstract), where the GPG program receives the program information and the generate programmatically generate the interface is shown in [0019], it clearly shows that the information regarding the interface;

- wherein the information regarding the interface of the graphical program (Abstract, [0019] includes information for invoking execution of the graphical program ([0025]," The information may be self-describing, and/or the GPG program may include knowledge of how to interpret the information in order to generate the appropriate graphical program") and ([0032], [0033], and [0104], where the received information use to generate and enable a user to execute the

automatically generated program clearly shows the information includes invoking the execution of the graphical program as claimed. The information regarding the interface is also shown in [0019]).

- invoke execution of the graphical program according to the received information regarding the interface of the graphical program [0104], and (claim 45, "the GPG program further includes an invoke node; the method further comprising: the invoke node invoking a method on the graphical program object in response to said executing the GPG program").

(5) *Kudukoli (US2001/0020291) fails to teach the limitations recited in the claim 6.*

**Response (5):** *Kudukoli* discloses all the limitations recited in the claim 6.

As per claim 6, *Kudukoli* discloses:

- wherein said generating data describing the data types comprising generating XML data [026], where state diagram editor program programmatically generates the graphical program to implement functionality specified by the state program information and GPG program receive that information in XML format, clearly shows that generating XML data type;
- data type of the parameters for invoking the graphical program is shown in the [026], [027] and [028] where the GPG program receives the information in XML format and programmatically generate and executed

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the graphical program that clearly shows the data type of parameters for invoking the graphical program as claimed.

***Conclusion***

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 571-272-3696.

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The examiner can normally be reached on Monday-Thursday from 7:00 A.M. to 3:30 P.M and 7:30 P.M – 9:30 P.M (E.T).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 571-272-3695. The fax number for this group is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (in the USA or Canada) or (571) 272-1000.

/CHAMELI C. DAS/

Primary Examiner, Art Unit 2192

Dated: 5/22/10